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April 30, 2025

The Honorable John G. Koeltl
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Peterec-Tolino v. Pennrose LLC, et al.
1:24 cv 06911 (JGK)

Dear Judge Koeltl:

We represent defendant Habitat for Humanity and write on behalf of defendants Habitat for Humanity, Pennrose Development, LLC and Riseboro Community Partnership. By letter dated February 19, 2025, the Municipal Defendants in the above-referenced matter sent the Court a letter requesting that answer or motion dates be adjourned in light of plaintiff's joinder of the United States as a defendant in plaintiff's Second Amended Complaint, filed on February 14, 2025, which included two (now one) United States agencies as defendants. The letter from the Municipal Defendants indicated that after the United States appeared in the matter, the parties would confer and submit to the Court a coordinated schedule for answering or moving to dismiss. The Court granted the application by memo endorsement on February 20, 2025. By Order dated March 19, 2025, the Court directed the Clerk of the Court to send plaintiff, who is proceeding pro se and in forma pauperis, a USM-285 Form so that service could be affected on the one newly added US agency defendant.

Although Your Honor's written March 19 Order did not do so, a docket-only entry was made on March 19 and e-mailed to counsel, though not reflected on the actual docket, which reads as follows: "Set/Reset Deadlines: Habitat for Humanity - New York City answer due 5/5/2025; Pennrose Development, LLC answer due 5/5/2025; Pennrose, LLC answer due 5/5/2025; Riseboro Community Partnership answer due 5/5/2025. (jca)." We note that this docket entry did not change the answer/motion date for the Municipal Defendants. As of today's date, the United States has not appeared in this matter.

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We write to respectfully request that the Court clarify the answer or motion date for the non-Municipal Defendants and reset those answer or motion deadlines consistent with the procedure reflected in the Municipal Defendants' February 19, 2025 letter and the Court's memo endorsement granting that request on February 20, 2025; namely, that all parties should meet and confer once the United States appears in the matter and agree upon a consolidated schedule for answering or moving to dismiss.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James L. Bernard", is written over a light gray rectangular background.

James L. Bernard

Partner
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cc:

Mr. John Peterec-Tolino (plaintiff pro se) (otispdriftwood407@gmail.com)
Messrs.: Kerry Cooperman, Esq. and Kenneth Fisher, Esq. (counsel for Pennrose)
Mr. Nathan Taylor, Esq. (counsel for the municipal defendants)
Mr. Gary Eisenberg, Esq. (counsel for Riseboro)